

BASIC DEFECTS IN 24 JUNE 1976 DRAFT THAT
PERMIT ACCESS TO SECRET AND TOP SECRET
INFORMATION WITHOUT EVEN FIVE (5)-YEAR
BI AND LACK OF SATISFACTORY
RE-INVESTIGATION PROGRAM

A. Personnel can be cleared for access to Confidential and Secret without meeting the criteria for a Position of Special Trust. Such Confidential and Secret clearances can be granted based on a favorable NAC and "where appropriate, written inquiries....." (see Section (7)(c) Page 12 of Tab "A")

1. The great majority of intelligence reports are believed to be classified Secret.

2. Most recipients of intelligence reports would be in positions designated as Positions of Special Trust - even though they do not require access to Top Secret (see Section 6(b)(1)(i) of Tab "A"). With the exception, as noted below, for military personnel, Persons of Special Trust require a five (5)-year BI.

3. Notwithstanding the foregoing, classified intelligence reports are often disseminated to other components, which do not require access to intelligence sources and methods, and therefore, would be designated as General Standard Positions unless there was a separate requirement for access to Top Secret information.

B. DOD recently implemented a requirement for a five (5)-year BI (DIS memorandum dated 24 June 1976). This new DIS policy implemented Deputy Secretary of Defense Ellsworth memorandum of 3 May 1976, which among other things, authorized the granting of a Top Secret clearance to members of the military service based on ten (10) years honorable service and a favorable National Agency Check. No field investigation is required under these circumstances.

1. By memorandum dated 28 July 1976 to the DCI, the Director of Security expressed his concern regarding the above and indicated that he does not believe that CIA can honor security clearances granted by the Department of Defense based on such reduced standards.

C. The draft of 24 June 1976 also contains a provision, which provides that an investigation completed with favorable results, conducted in accordance with the five (5)-year BI scope, shall be accepted as meeting the investigative requirement for any Position of Special Trust, even though a more extensive scope had been authorized for such position by the Civil Service Commission, provided that the individual, subsequent to the completion of such investigation has been continuously employed in any Position of Trust for five (5) years or more.

1. I interpret the foregoing as authorizing access to SCI or even [] with a five (5)-year BI provided that the conditions of five (5) years of continuous employment are met in any Position of Special Trust (see Section 7(d) on Page 15 of Tab "A").

D. The policy concerning re-investigations is also believed to be deficient for the following reasons:

"Once a person's suitability for federal service has been determined under the provisions of this order, he shall not be re-investigated for the same purpose unless information becomes available, which raises reasonable doubt as to whether he continues to meet applicable standards provided by Section 5."

The paragraph does provide, however, that the head of a department or an agency that establishes Positions of Special Trust may require re-investigations of incumbents five (5) years after employment, and once each succeeding five (5) years provided that such investigation, "in the absence of potentially disqualifying suitability information includes as a maximum (1) "requiring the incumbent to

submit an updated statement of personal history....." and
(2) "a review of the statement of personal history statement together with the personnel file.....(and) previous reports....."

1. It is believed that such language will have the affect of removing the requirement for a field investigation every five (5) years, and that the normal re-investigation will consist of obtaining an updated PHS and perhaps a limited NAC.